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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,191	03/29/2006	Koji Hayashi	89950/JLT	8137
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EXAMINER ZIMMERMAN, TOSHUA D				
ART UNIT 2854		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/544,191

Applicant(s)

HAYASHI, KOJI

Examiner

JOSHUA D. ZIMMERMAN

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 12-14, 16, 17, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Leenders et al. (US 5908731).

Regarding claim 12, Leenders et al. disclose "a lithographic printing plate precursor (abstract), comprising on a substrate (column 2, line 26), a lipophilic layer (column 2, line 29) containing a cross-linked product (column 2, lines 30-31), that has a heat decomposable group that is an azo, diazo, dioxy, disulfide, hydrazide, nitro, onium salt, sulfonic ester, disulfonyl, or thiosulfonic group in the main chain (column 5, lines 1-2 and column 6, lines 36-38),

said crosslinked product having been obtained by crosslinking a polymer having a crosslinkable functional group with a cross-linking agent (column 3, lines 17-20, column 5, lines 1-2 and column 6, lines 36-38),

the printing plate precursor further comprising a hydrophilic layer between said substrate and said oleophilic layer (column 7, lines 66-67),

said printing plate precursor also containing a photo-to-heat converting material either in said oleophilic layer or said hydrophilic layer (column 8, lines 11-12)."

Examiner notes that Applicant admits in the last full sentence on page 5 of the reply filed 2/25/08 that the precursors are only 'substantially decomposed when the

crosslinking is carried out.' Therefore, there are at least some precursors that are not decomposed after the curing of the crosslinked layer of Leenders et al., and therefore, the layer of Leenders et al. anticipates the claimed limitation even after the curing step.

Regarding claim 13, Leenders et al. further disclose "wherein said heat decomposable group is an azo group (column 5, lines 1-2)."

Regarding claim 14, Leenders et al. further disclose "wherein said substrate has a hydrophilic surface (column 2, line 26)."

Regarding claim 16, Leenders et al. further teach "wherein said polymer having a heat decomposable group is used in combination with another thermally decomposable compound (column 5, lines 59-63 or column 6, lines 50-52. Examiner also notes that any of the other compounds used by Leenders et al. are thermally decomposable, as all organic compounds are thermally decomposable)."

Regarding claim 17, Leenders et al. further teach "wherein said hydrophilic layer comprises a polyvinyl alcohol and optionally an organic aluminum chelate compound (column 7, line 53)."

Regarding claim 19, Leenders et al. teach "a method for preparing a lithographic printing plate (example 1) comprising:

exposing the lithographic printing plate precursor of claim 1, to IR radiation and removing the exposed part of said oleophilic layer (column 9, lines 30-39)."

Regarding claim 20, Leenders et al. teach "wherein said exposed part of said lipophilic layer is removed by laser-induced ablation (column 2, lines 7-10 and column 8, lines 44-45)."

Regarding claim 21, Leenders et al. further teach "mounting the exposed lithographic printing plate precursor directly on a printer without developing (column 9, lines 37-43, column 8, lines 51-57. Examiner points out here that the rubbing step of Leenders et al. is not a development step, but rather a 'cleaning' step)."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leenders et al., as applied to claim 12 above, in view of Sonokowa (US 2002/0081529).

Regarding claim 15, Leenders et al. teach all that is claimed, including that the ablatable layer (*i.e.*, the photo-to-heat converting layer) comprises metals and metal derivatives (such as metal oxides) (column 7, lines 1-4). Leenders et al. fail to teach that "the photo-to-heat converting material is carbon black or an infrared absorbing dye." However, Sonokawa teaches using a hydrophilic layer which is a photo-thermal conversion layer which comprises IR-absorbing dyes, IR-absorbing metals and IR-absorbing metal oxides are all known substances having the function of converting IR laser rays into heat (paragraph 59). Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to modify Leenders et al. to use

the layer of Sonokowa in the structure of Leenders et al. because the layer is an art-recognized equivalent for converting light into heat, and one having ordinary skill in the art would have expected to achieve the same light-to-heat converting functionality. See MPEP 2144.07.

Regarding claim 18, Sonokowa further teaches "wherein said hydrophilic layer comprises from 0.1 to 10% by weight of said photo-to-heat converting material (paragraph 68)."

Response to Arguments

3. Applicant's arguments filed 2/25/08 have been fully considered but they are not persuasive.

Applicant's argument that Leenders et al. do not disclose that there are present un-decomposed heat-decomposable products after crosslinking is unpersuasive since Applicant admits in the last full sentence on page 5 of the reply filed 2/25/08 that the precursors are only 'substantially decomposed when the crosslinking is carried out.' Therefore, there are at least some precursors that are not decomposed after the curing of the crosslinked layer of Leenders et al., and therefore, the layer of Leenders et al. anticipates the claimed limitation even after the curing step.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. ZIMMERMAN whose telephone number is (571)272-2749. The examiner can normally be reached on M-R 8:30A - 6:00P, Alternate Fridays 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua D Zimmerman
Examiner
Art Unit 2854

jdz

/Leslie J. Evanisko/
Primary Examiner, Art Unit 2854